

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33386/33387

STATE OF IDAHO,)	2008 Unpublished Opinion No. 560
)	
Plaintiff-Respondent,)	Filed: July 29, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
CESAR G. FLORES-MORENO,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. John C. Hohnhorst, District Judge.

Order revoking probation and ordering into execution previously imposed sentence, affirmed; judgment of conviction and unified sentence of four years, with two years determinate, for possession of a controlled substance, affirmed.

Fuller Law Office; Greg J. Fuller, Twin Falls, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

In docket number 33386, Cesar G. Flores-Moreno was charged with and pled guilty to possession of amphetamine and/or methamphetamine, I.C. §§ 37-2732(c)(1), 37-2707(d), and was sentenced to a unified term of four years, with two years determinate. The district court suspended the sentence and placed Flores-Moreno on probation for three years. Less than a year later, federal immigration agents arrested Flores-Moreno for illegally entering the United States. During a search incident to the arrest, officers found controlled substances. Flores-Moreno was charged with possession of methamphetamine, I.C. §§ 37-2732(c)(1), 37-2707(d). The district court revoked Flores-Moreno's probation and ordered the sentence in docket number 33386 into execution. The district court also imposed a concurrent unified sentence of four years, with two years determinate, for the new charge in docket number 33387. Flores-Moreno appeals,

contending that the district court abused its discretion by imposing excessive sentences in both cases.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion by imposing concurrent sentences of four years, with two years determinate. Therefore, the order revoking probation and directing execution of Flores-Moreno's previously suspended sentence in docket number 33386 is affirmed, as is the judgment of conviction and sentence in docket number 33387.